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16623 U.S. PTO

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	15270J-004747US
First Inventor	Schenk, Dale B.
Title	PREVENTION AND TREATMENT OF AMYLOIDOGENIC DISEASE
Express Mail Label No.	EV 444 462 339 US

19270 U.S.P.T.O.  
10/828548  
041904

APPLICATION ELEMENTS	ADDRESS TO
See MPEP chapter 600 concerning utility patent application contents.	
<p>1. <input type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i></p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages 103] <i>(preferred arrangement set forth below)</i>            - Descriptive title of the Invention            - Cross Reference to Related Applications            - Statement Regarding Fed sponsored R &amp; D            - Reference to sequence listing, a table, or a computer program listing appendix            - Background of the Invention            - Brief Summary of the Invention            - Brief Description of the Drawings (<i>if filed</i>)            - Detailed Description            - Claim(s)            - Abstract of the Disclosure</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C.113) [Total Sheets 16]</p> <p>5. Oath or Declaration [Total Pages 2]            a. <input type="checkbox"/> Newly executed (original or copy)            b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) <i>(for a continuation/divisional with Box 18 completed)</i>            i. <input type="checkbox"/> DELETION OF INVENTOR(S) <i>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</i></p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 (2 pp.)</p>	<p>Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (<i>Appendix</i>)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i></p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p>b. Specification Sequence Listing on:            i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or            ii. <input checked="" type="checkbox"/> Paper number of pages 4 <i>(included in the instant specification)</i></p> <p>c. <input checked="" type="checkbox"/> Statement verifying identity of above pages <i>(see item 17 below)</i></p>
ACCOMPANYING APPLICATIONS PARTS	
<p>9. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i></p> <p>11. <input type="checkbox"/> English Translation Document (<i>if applicable</i>)</p> <p>12. <input checked="" type="checkbox"/> Information Disclosure Statement (2 pp.) <input checked="" type="checkbox"/> Copies of IDS Citations <i>w/attached 08A (1 pp.)</i> 360 and 443</p> <p>13. <input checked="" type="checkbox"/> Preliminary Amendment (21 pages)</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) (<i>if foreign priority is claimed</i>)</p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent</p> <p>17. <input checked="" type="checkbox"/> Other: Req. to Ref. Previously Filed Identical CFR (1 p.); and Statement Under MPEP §2406.02 (3 p.) w/Exhibit 1 (1 pp.)</p>	

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP)

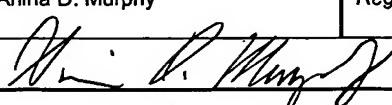
of prior application No: 09/322,289

Prior application information: Examiner Sharon L. Turner

Art Unit: 1647

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number	20350	OR <input type="checkbox"/> Correspondence address below	
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	
Name (Print/Type)	Anina D. Murphy	Registration No. (Attorney/Agent)	51,049
Signature			Date April 19, 2004

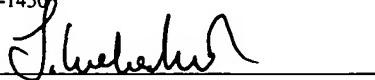
"Express Mail" Label No. EV 444 462 339 US

Date of Deposit April 19, 2004

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By: \_\_\_\_\_



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No.	:	Confirmation No.
Applicant	:	Dale B. Schenk
Filed	:	Herewith
TC/A.U.	:	
Examiner	:	
Docket No.	:	15270J-004747US
Customer No.	:	20350

**STATEMENT UNDER  
MPEP § 2406.02**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, Anina D. Murphy, agent of record authorized to act on behalf of the Applicant and Assignee in matters relating to the subject Patent Application, does hereby declare and state that:

1. The cell line designated RB44-10D5.19.21 producing the antibody 10D5 described at e.g., paragraph no. 269 of the above-captioned application, was deposited at the American Type Culture Collection on April 8, 2003 and given accession number PTA-5129. The address of the American Type Culture Collection (ATCC) is 10801 University Boulevard,

Manassas, VA 20110-2209. The deposit was made pursuant to the provisions of the Budapest Treaty. A copy of the ATCC receipt is attached as Exhibit 1.

2. The antibody 10D5, produced by the cell line identified in paragraph no. 1 is described in paragraph no. 270, Table 6, and paragraph no. 312 of the above-captioned application, and is also described at *e.g.*, p. 58, line 6 of U.S. Application No. 09/201,430, filed November 30, 1998; and, at p. 32, line 23 of U.S. Application No. 60/080,970, filed April 7, 1998. The above-captioned application is a continuation of U.S. Application No. 09/322,289, filed May 28, 1999, which is a continuation-in-part of U.S. Application No. 09/201,430, filed November 30, 1998 which claims the benefit under 35 U.S.C. 119(e) of U.S. Application No. 60/080,970, filed April 7, 1998, and U.S. Application 60/067,740, filed December 2, 1997, which are incorporated by reference in their entirety for all purposes.

3. The cell line designated RB96 3D6.32.2.4 producing the antibody 3D6 described in paragraph no. 354 of the above-captioned application was deposited at the American Type Culture Collection on April 8, 2003 and given accession number PTA-5130. The address of the American Type Culture Collection (ATCC) is 10801 University Boulevard, Manassas, VA 20110-2209. The deposit was made pursuant to the provisions of the Budapest Treaty. A copy of the ATCC receipt is attached as Exhibit 1.

4. The antibody 3D6, produced by the cell line identified in paragraph 3, is described in paragraph no. 354, and paragraph no. 355 of the above-captioned application, and is also described at *e.g.*, p. 77, lines 3-4 of U.S. Application No. 09/201,430, filed November 30, 1998; and, at p. 27, lines 10-11 of U.S. Application No. 60/080,970, filed April 7, 1998. The above-captioned application is a continuation of U.S. Application No. 09/322,289, filed May 28, 1999, which is a continuation-in-part of U.S. Application No. 09/201,430, filed November 30, 1998 which claims the benefit under 35 U.S.C. 119(e) of U.S. Application No. 60/080,970, filed April 7, 1998, and U.S. Application 60/067,740, filed December 2, 1997, which are incorporated by reference in their entirety for all purposes.

5. The cell lines identified in paragraphs 1 and 3 above will be maintained at the ATCC and replaced in the event of mutation, nonviability or destruction for a period of at least five (5) years after the most recent request for release of a sample was received by ATCC,

SCHENK, Dale B.  
Application No.: Unassigned  
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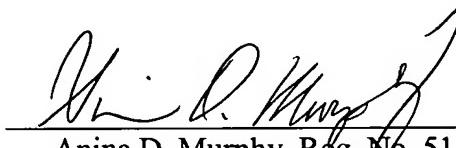
PATENT

for a period of at least thirty (30) years after the date of the deposit, or during the enforceable life of the related patent, whichever period is longest.

6. All restrictions, on the availability to the public of the cell lines identified in paragraphs 1 and 3 above will be irrevocably removed upon the issuance of a patent from the above-captioned application.

7. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: April 19, 2004



Anina D. Murphy, Reg. No. 51,049

TOWNSEND and TOWNSEND and CREW LLP  
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RLC/aeb  
60195237 v1

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.

To: (Name and Address of Depositor or Attorney)

Elan Pharmaceuticals, Inc.  
Attn: Nina Ashton  
800 Gateway Boulevard  
South San Francisco, CA 94080

Deposited on Behalf of: Elan Pharmaceuticals, Inc.

Identification Reference by Depositor:	Patent Deposit Designation
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Murine Hybridoma Cell Line: RB44-10D5.19.21	PTA-5129
Murine Hybridoma Cell Line: RB96 3D6.32.2.4	PTA-5130

The deposits were accompanied by: a scientific description, a proposed taxonomic description indicated above. The deposits were received April 8, 2003 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested May 5, 2003. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: June 2, 2003

cc: Joe Liebeschuetz  
Ref: Docket or Case No.: 15270J-004720US

Exhibit 1